

## **R E M A R K S**

It is asserted that the instant application contains claims directed to the following patentably distinct species in claim 325: snRNA promoter or bacteriophage promoter. It is further asserted that the species are independent or distinct because each of the promoters is structurally distinct, each requiring a separate and distinct search. Thus, it is concluded that each of the promoters represents an alternative of the instant invention.

In response, Applicants elect the snRNA promoter with traverse. Claim 325 encompasses the elected invention. It is Applicants view that it would not be an undue burden to search these two species.

In view of the above arguments, Applicant respectfully requests that the Restriction Requirement be withdrawn. An early action to that end is respectfully requested. It is Applicant's view that the claims are in condition for further examination and ultimately allowance. The Examiner is invited to contact the undersigned at (914) 712-0093 if she wishes to discuss this response, the pending claims or application.

Respectfully submitted,

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/Cheryl H Agris/  
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